

A091 (Rev. 8/01) Criminal Complaint

SEP 24 2014

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

Aaron Chad NAVA
&
Steve Isaih NORIEGA

CRIMINAL COMPLAINT

Case Number: **C-14-1014M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 9/23/2014 in Kleberg County, in the
(Date)

Southern District of Texas defendant, **Aaron Chad NAVA & Steve Isaih NORIEGA**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Task Force Officer and that this complaint is based on the
following facts:

See Attached Affidavit of ICE Special Agent

Edwin Lopez

Continued on the attached sheet and made a part of this complaint:

Yes No


Signature of Complainant

Edwin Lopez

Printed Name of Complainant

Sworn to before me and signed in my presence,

September 24, 2014

Date

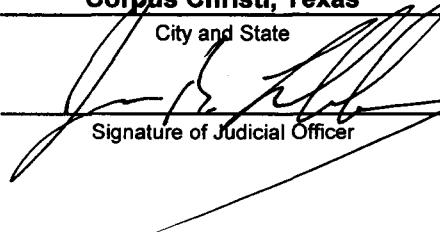
at

Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

On September 23, 2014 Homeland Security Investigations (HSI) Corpus Christi, Texas Special Agents were contacted by the U.S. Border Patrol (BPA) in Kingsville, Texas regarding a two on two alien smuggling case. United States Border Patrol agents encountered Steven NORIEGA and Aaron NAVA north of Texas State Highway 285 on United States Highway 77 attempting to smuggle six undocumented aliens inside the cab of a 2012 black Dodge Ram 1500 bearing Texas, License Plates DKW-6866. After being presented the facts of the case TFO Edwin Lopez contacted AUSA Ken Cusick. After being presented the facts of the case, AUSA Cusick agreed to prosecute Steven NORIEGA and Aaron Nava for violation of Title 8 USC 1324, Alien Smuggling.

On September 23, 2014, Supervisory Border Patrol Agent, Nathan NEWMAN was northbound on Highway 77 heading from the Sarita BP Checkpoint to the Kingsville Border Patrol Station. He observed a black in color Dodge pickup truck do a turnaround just north of the Los Olmos Creek bridge, located south of the city of Riviera, Texas. As Agent NEWMAN attempted to conduct a license plate check, the vehicle sped up to 70 miles an hour and did not slow down through the town of Riviera which has a posted 45mph speed limit. At that point, which was the north end of Riviera, the speed limit goes back up to 75 miles an hour, at this sign the driver then slowed the vehicle down to 50 mph and began to weave dangerously between lanes.

At that time, Agent NEWMAN contacted additional agents for back up and hoped to follow the vehicle until the additional units arrived to his location. Being that Agent NEWMAN noticed that the truck began to change lanes randomly, he activated his take down lights in order to see inside the vehicle, and noticed numerous subjects in the backseat of the vehicle and some pressed up against the rear window. At this point, he decided the risk to the public was too great to wait for back up units and decided to activate the units' emergency lights and siren in an attempt to stop the vehicle. The vehicle immediately stopped in the fast lane of Highway 77 northbound traffic. Agent NEWMAN approached the vehicle and discovered six people crammed in the backseat of the truck and two subjects in the front driver and passenger seats.

The driver, Steven NORIEGA was determined to be a United States Citizen and the front seat passenger, Aaron NAVA also determined to be a United States Citizen. After a quick interview of all six subjects in the back seats, it was determined that all were illegally present in the United States. All eight subjects were placed under arrest and transported separately (principals/aliens) to the Kingsville Border Patrol Station in Kingsville, Texas for processing. No questioning of any subjects took place during transportation of the subjects.

PRINCIPAL STATEMENTS:

Once in the processing area of the Kingsville Border Patrol Station Steven NORIEGA read and was read his Miranda rights in his preferred language of English and NORIEGA signed the warning of rights form stating he understood his rights and stated and signed that he was willing to make a statement without the presence of an attorney. The reading and signing took place at 7:49 am.

NORIEGA stated the following information about the attempted smuggling case:

He stated he has worked for a man named "Church" once before and smuggled aliens to Houston for "Church". On this occasion, he decided to call his friend he to meet up with "Church", in order to make arrangements to smuggle illegal aliens so that he could make money.

He stated "Church" and "Church's" boss were following them, but did not know what kind of vehicle they were in. He stated that "Church" would call him once they arrived in the city of Riviera to tell him where exactly to go and pick up the undocumented aliens. He indicated that he was going to be paid two hundred (\$200.00) dollars per alien to transport them to Houston, Texas. He stated he had smoked marijuana that morning and did not remember all the details of the incident but knew that he was smuggling undocumented aliens and knew he could go to prison for it if he was apprehended.

In the processing area of the Kingsville Border Patrol Station NAVA read and was read his Miranda rights in his preferred language of English. NAVA signed the warning of rights form stating he understood his rights but declined to make a statement. NAVA did not make any request other than not wanting to make a statement at that time. The reading and signing took place at 7:44 am.

At 10:35 am NAVA stated he wished to make a statement regarding his arrest. BPA Quezada called Agent NEWMAN to the room and the subject was re-read his Miranda Rights in the English Language. NAVA signed stating he understood his rights and then signed stating he wished to make a statement without the presence of an attorney.

NAVA stated the following information about the attempted smuggling case:

He stated a man named "Church" was going to pay him two hundred (\$200.00) dollars per person to smuggle undocumented aliens to Houston, Texas. He stated this was his first time and was lured in by the easy money. He stated he knew the people he was picking up were undocumented aliens. He stated that "Church" and "Church's" boss were following them in an unknown vehicle. He stated that "Church" would call NORIEGA on the phone in order to give him specific directions on the location of the aliens. He stated that while on the phone with "Church", he was told to drive a little ways down Highway 285 and were then told to stop. He stated he stepped out of the truck and opened the rear door for the six undocumented aliens and then shut the door and proceeded to take off. He stated that NORIEGA was nervous and when they got to the stop light in Riviera, he turned the wrong way. He stated that when they noticed they were driving south on U.S. Highway 77 instead of north, they turned around in a cross over.

ALIEN STATEMENT:

Jose German CASTILLO-Diaz stated he and the rest of the illegal aliens walked through the brush for three days and eventually ended up by a windmill located near a paved road. They were instructed by the brush guide to wait until a vehicle stopped on the side of the road and then to quickly enter the vehicle. An unknown vehicle stopped on the side of the road and six aliens from the group entered the vehicle including the brush guide. Approximately 30 minutes later a black truck arrived to pick up the rest of the group which he was a part of. He stated the passenger, NAVA, opened the back door to the truck and instructed the illegal aliens to get in. While in the vehicle, he was able to clearly see the driver and passenger. CASTILLO identified NORIEGA as the driver and NAVA as the passenger. CASTILLO was able to identify both principals in a Border Patrol photo lineup. He stated the driver appeared to be drunk or on drugs because he was driving erratically and he feared the driver was going to cause an accident.

ALIEN STATEMENT:

Ariel FLORES-Salguero stated he was part of a group of twelve (12) undocumented aliens that walked through the brush for three days with the assistance of one brush guide. He stated they reached a paved road and were told that half the group would go in the first vehicle and the other half would go in the second vehicle. Moments later, a vehicle pulled up to them and half of the group and the brush guide got

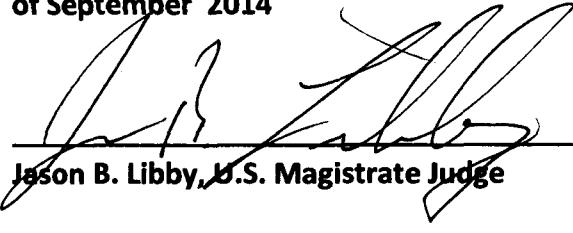
in the vehicle and drove away. Approximately 20 minutes later after that, another vehicle pulled up and the passenger of the black truck got out and opened the rear door. The passenger then instructed them to get into the truck. He claimed he was not able to identify NORIEGA as the driver of the black truck but was positive NAVA was the passenger that opened the door. FLORES was able to identify NAVA in a photo lineup. Furthermore, he believed the driver was under the influence of drugs because his driving was dangerous and he feared for his life and began to pray.

AUSA Ken Cusick was notified of these facts and agreed to prosecute Steven NORIEGA and Aaron NAVA for violation of Title 8 USC 1324.



Edwin Lopez
Task Force Officer
Homeland Security Investigations

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 24th Day
of September 2014



Jason B. Libby, U.S. Magistrate Judge